

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE ex rel. DAVID FELTZ,

Respondent,

v.

BOB SIGHT FORD, INC.,

Appellant.

DOCKET NUMBER WD72969

Date: May 31, 2011

Appeal from:
Jackson County Circuit Court
The Honorable Charles E. Atwell, Judge

Appellate Judges:
Division Four: Lisa White Hardwick, Chief Judge Presiding, Karen King Mitchell,
Judge and Donald Norris, Special Judge

Attorneys:
Christina R. Schoeppey, Merriam, KS, for appellant.
Jerrold Kenter and Brianne Niemann, Kansas City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

STATE ex rel. DAVID FELTZ,

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v.

BOB SIGHT FORD, INC.,

Appellant.

WD72969

Jackson County

Before Division Four: Lisa White Hardwick, Chief Judge Presiding,
Karen King Mitchell, Judge and Donald Norris, Special Judge

Bob Sight Ford, Inc. appeals the circuit court's writ of mandamus compelling an Administrative Law Judge of the Division of Workers' Compensation to order the production, by deposition *deuces tecum*, of a surveillance videotape of claimant David Feltz. Appellant contends the court erred in ordering such production because Section 287.215, RSMo Cum. Supp. 2010, prohibits the discovery of surveillance videotapes in workers' compensation cases.

AFFIRMED

Division Four holds: The court properly ordered production of the surveillance tape pursuant to Section 287.560 and the discovery provisions of Rule 56.01(b)(3). Although Section 287.215 prohibits a party from seeking surveillance videotapes by an informal request for production, such limitation does not apply to formal discovery requests under Rule 56.01(b)(3), as made applicable to workers'

compensation proceedings by Section 287.560. The permanent order in mandamus is affirmed.

Opinion by: Lisa White Hardwick, Chief Judge

May 31, 2011

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